

# House Calendar No. 397.

62D CONGRESS, } HOUSE OF REPRESENTATIVES. } REPORT  
3d Session. } No. 1523.

EUGENE C. BONNIWELL v. THOMAS S. BUTLER.

FEBRUARY 15, 1913.—Referred to the House Calendar and ordered to be printed.

Mr. COVINGTON, from the Committee on Elections No. 1, submitted the following

## REPORT.

[To accompany memorial of E. C. Bonniwell.]

On the 14th day of December, 1912, Mr. Eugene C. Bonniwell, who at the election of 1912 was the Democratic candidate for the House of Representatives in the seventh congressional district of Pennsylvania, transmitted to the Speaker of this House a paper, as follows:

PAPER OF MR. BONNIWELL.

WAYNE, PA., December 14, 1912.

*Hon. Champ Clark, Speaker of the House of Representatives, and Members of the House of Representatives, Washington, D. C.*

GENTLEMEN: I hereby file notice of objection to the right of Thomas S. Butler to represent the seventh congressional district of Pennsylvania in the Sixty-third Congress and assign the following reasons:

First. The seventh congressional district of Pennsylvania is composed of Chester and Delaware Counties. To procure a majority upon the face of the election returns at the election held November 5, 1912, certain agents of the Republican organization of this district, in the service of and on behalf of Thomas S. Butler, the nominee herein, and certain other nominees, did, by fraud and perjury, falsely preempt upon the official ballot of the State of Pennsylvania two titles, one being "Bull Moose" and the other "Roosevelt Progressive." Each title was intended and designed to deceive and mislead the voter whose intention was to vote the ticket upon which Theodore Roosevelt was a candidate, to wit, the Washington Party of Pennsylvania. To accomplish these ends these men forged alleged preemptors' names to the certificates of preemption. They forged hundreds of names in order to place the names of Thomas S. Butler for Congress and William C. Sproul for State senator and the Republican candidates for the State legislature upon these two false and pretended Progressive tickets. They forged these names alphabetically, without even the feeble pretense of disguising the handwriting. They forged signers to the affidavits required at the ends of these nomination papers. They impersonated the affiants before the justice of the peace. These facts were known to Thomas S. Butler. Objections, under the ballot laws, were filed to the right of these fraudulent pretenders to masquerade as supporters of Roosevelt by the real Washington Party nominees. Copies of the objections were served upon Thomas S. Butler and the other candidates. Thomas S. Butler and the other candidates appeared in the Dauphin County court answering such summons and maintained their right to remain upon the perjured and forged tickets. The objections were dismissed upon a technicality, and Mr. Butler continued thereon

in the face of the glaring frauds. Thereafter and prior to the election, seven men, active in the councils of the organization supporting Thomas S. Butler, were arrested upon the charges of forgery and perjury and held in bail for court. Despite the convincing evidence, Thomas S. Butler willingly shut his eyes to the nauseous scandal. Funds were supplied by the men interested to the fraudulent committees masquerading as Progressives. The seventh congressional district was circularized by letter falsely asserting that the Bull Moose ticket was the only genuine Roosevelt ticket in the seventh district, and thereby upward of 4,332 voters were deceived and misled into voting for Thomas S. Butler for Congress.

It is submitted that the perjury and corruption herein averred was the result of a deliberate conspiracy on behalf of the organization leaders whose candidate Thomas S. Butler was. He was cognizant of its details long before election. He approved of the forgery and perjury by remaining a candidate upon the said tickets after public notice. That these acts of themselves disqualify him from membership in the House of Representatives of the United States.

If further reason be deemed essential that this conspiracy went to the vitals of this election, let the pollution of the grand jury of Delaware County at this December session of court speak for itself. The bills of indictment charging the seven men with perjury and forgery were to be submitted to this December grand jury. The sheriff of Delaware County is S. Everett Sproul, brother of State Senator William C. Sproul, the Republican leader of Delaware County, and, with Thomas S. Butler, most concerned in these nominations. The grand jury, always the bulwark of the people's liberties, was prostituted by politicians to save their tools from conviction. Twelve false jurors, not drawn or entitled to serve, 6 of them members of the Republican county committee, 2 more relatives of Republican officials, were secretly added to the 11 bona fide jurors, and this corrupted jury sought to destroy justice in its very temple by ignoring the indictments against the forgers and perjurers, and so make a mockery of the law. This treacherous body, not content with dismissing every indictment laid against the corruptionists, to terrorize future men temerarious enough to assail their vicious acts, imposed over \$700 in costs upon J. Watts Mercur, the fearless citizen who brought these prosecutions, Washington Party nominee for State senator, against William C. Sproul. That 12 jurors were illegal Mr. Mercur discovered. Upon the fact being presented to the court of common pleas of Delaware County, the dishonest grand jury was summarily dismissed, all indictments recalled, and a sweeping investigation set upon foot. It was public knowledge that this contest was to be instituted, based upon these frauds. It can not be doubted that one of the chief aims of the men most concerned was to destroy this ground for contest. This pollution of justice merits the expulsion of this Representative from the Halls of Congress.

Second. That the expense accounts filed in this district are false and fraudulent; that money, thousands of dollars unaccounted for by any candidate or committee, were expended in the seventh district on behalf of the Republican candidates, Butler and Sproul in particular, as will be shown upon the hearing of this contest.

Third. That a committee especially organized by personal friends of Thomas S. Butler, styled the Butler League, composed and caused to be published false and libelous articles concerning the contestant.

Fourth. The West Chester Village Record is a local newspaper largely owned and controlled by T. L. Eyre, Republican boss of Chester County and personal representative of Thomas S. Butler.

The Chester Republican is a local paper largely owned and controlled by Senator William C. Sproul, Republican boss and personal representative of Thomas S. Butler in Delaware County. On August 15, 1912, the West Chester Village Record published the following editorial:

"The Hon. Thomas S. Butler, the Republican nominee for Congress, was born and reared in the Society of Friends, and is proud of his Quaker ancestry. His opponent, Eugene C. Bonniwell, is a Roman Catholic."

On August 28, 1912, the Chester Republican reprinted this editorial. Coincident with the two said editorials messengers in the employ of supporters of Thomas S. Butler traversed the district, having in their possession and circulating a blasphemous and infamous libel, a copy of which is hereto attached, pretended to be an oath of the Knights of Columbus, of which body the contestant is a member. So revolting are the terms of this document and so nauseating its pledges that the injury it did not merely to the contestant, but also to the Knights of Columbus and to Catholics in general, can hardly be measured in terms.

I charge that the circulation of this oath and the publication of the two editorials herein referred to were part of a conspiracy, precisely as was the forgery and perjury referred to in paragraph 1—a conspiracy by the same people for the purpose of arousing religious rancor and of defeating the Democratic nominee. The Constitution of the

United States prohibits any religious test for office. The organization supporting Thomas S. Butler created such a test, blazed bigotry in the hearts and minds of the ignorant, and slandered and villified a great body of honorable men.

I file no complaint because of adverse election returns. The Democracy of Pennsylvania is inured to adversity. Nor is this complaint registered because of defeat resultant upon faith or race. In these things I own a just pride and do not protest if, because of either, political honors are to be denied me. But when a calumnious, viperish attack upon either faith or race is launched injecting religious bigotry into the political affairs of this Nation, then this protest is made in the certain confidence that all patriotic men, mindful of the religious as well as the political liberty that the forefathers designed should be our heritage, will rise and strike down the beneficiary of such a treacherous and dastardly movement.

For myself I make no appeal to your honorable body that I may be seated. That a plurality of the legal votes cast in that district were cast for me no one pretends to deny, but representations is the least of my concerns. This I do maintain, that this man, receiving his election under these circumstances, adding the felonies of forged papers, perjured acknowledgments, and violated grand jury to the more wicked crime of religious slander, ought not to be tolerated in the House of Representatives.

Respectfully submitted.

EUGENE C. BONNIWELL.

#### KNIGHTS OF COLUMBUS OATH.

I, \_\_\_\_\_, now in the presence of Almighty God, the blessed Virgin Mary, the blessed St. John the Baptist, the Holy Apostles, St. Peter and St. Paul, and all the saints, sacred host of Heaven, and to you, my Ghostly Father, the superior general of the Society of Jesus, founded by St. Ignatius Loyola, in the pontification of Paul the III, and continued to the present, do by the womb of the Virgin, the matrix of God, and the rod of Jesus Christ, declare and swear that His Holiness, the Pope, is Christ's vice regent and is the true and only head of the Catholic or Universal Church throughout the earth; and that by virtue of the keys of binding and loosing given His Holiness by my Saviour, Jesus Christ, he hath power to depose heretical kings, princes, States, Commonwealths, and Governments and they may be safely destroyed. Therefore to the utmost of my power I will defend this doctrine and His Holiness's right and custom against all usurpers of the heretical or Protestant authority whatever, especially the Lutheran Church of Germany, Holland, Denmark, Sweden, and Norway and the now pretended authority and Churches of England and Scotland, and the branches of same now established in Ireland and on the continent of America and elsewhere and all adherents in regard that they may be usurped and heretical, opposing the sacred Mother Church of Rome.

I do now denounce and disown any allegiance as due to any heretical king, prince, or State, named Protestant or Liberal, or obedience to any of their laws, magistrates, or officers.

I do further declare that the doctrine of the Churches of England and Scotland of the Calvinists, Huguenots, and others of the name of Protestants or Masons to be damnable, and they themselves to be damned who will not forsake the same.

I do further declare that I will help, assist, and advise all or any of His Holiness's agents, in any place where I should be, in Switzerland, Germany, Holland, Ireland, or America, or in any other kingdom or territory I shall come to, and do my utmost to extirpate the heretical Protestant or Masonic doctrines and to destroy all their pretended powers, legal or otherwise.

I do further promise and declare that, notwithstanding I am dispensed with to assume any religion heretical for the propagation of the Mother Church's interest; to keep secret and private all her agents' counsels from time to time, as they intrust me, and not divulge, directly or indirectly, by word, writing, or circumstances whatever, but to execute all that should be proposed, given in charge, or discovered unto me by you, my Ghostly Father, or any of this sacred order.

I do further promise and declare that I will have no opinion or will of my own or any mental reservation whatever, even as a corpse or cadaver (*perinde ac cadaver*), but will unhesitatingly obey each and every command that I may receive from my superiors in the militia of the Pope and of Jesus Christ.

That I will go to any part of the world whithersoever I may be sent, to the frozen regions north, jungles of India, to the centers of civilization of Europe, or to the wild haunts of the barbarous savages of America without murmuring or repining, and will be submissive in all things whatsoever is communicated to me.

I do further promise and declare that I will, when opportunity presents, make and wage relentless war, secretly and openly, against all heretics, Protestants and Masons,

as I am directed to do, to extirpate them from the face of the whole earth; and that I will spare neither age, sex, or condition, and that will hang, burn, waste, boil, flay, strangle, and bury alive these infamous heretics; rip up the stomachs and wombs of their women, and crush their infants' heads against the walls in order to annihilate their exterorable race. That when the same can not be done openly I will secretly use the poisonous cup, the strangulation cord, the steel of the poniard, or the leaden bullet, regardless of the honor, rank, dignity, or authority of the persons, whatever may be their condition in life, either public or private, as I at any time may be directed so to do by any agents of the Pope or Superior of the Brotherhood of the Holy Father of the Society of Jesus.

In confirmation of which I hereby dedicate my life, soul, and all corporal powers, and with the dagger which I now receive I will subscribe my name written in my blood in testimony thereof; and should I prove false or weaken in my determination may my brethren and fellow soldiers of the militia of the Pope cut off my hands and feet and my throat from ear to ear, my belly opened and sulphur burned therein with all the punishment that can be inflicted upon me on earth and my soul shall be tortured by demons in eternal hell forever.

That I will in voting always vote for a K. of C. in preference to a Protestant, especially a Mason, and that I will leave my party so to do; that if two Catholics are on the ticket I will satisfy myself which is the better supporter of Mother Church and vote accordingly.

That I will not deal with or employ a Protestant if in my power to deal with or employ a Catholic. That I will place Catholic girls in Protestant families that a weekly report may be made of the inner movements of the heretics.

That I will provide myself with arms and ammunition that I may be in readiness when the word is passed, or I am commanded to defend the church either as an individual or with the militia of the Pope.

All of which I, ————, do swear by the blessed Trinity and blessed sacrament which I am now to receive to perform and on part to keep this, my oath.

In testimony hereof, I take this most holy and blessed sacrament of the Eucharist and witness the same further with my name written with the point of this dagger dipped in my own blood and seal in the face of this holy sacrament.

The Hon. Thomas S. Butler, the Representative in this House from the seventh congressional district of Pennsylvania, and who was a candidate for election to the Sixty-third Congress from said district at the election of 1912, has filed a paper in the nature of an exception and answer to the paper of the said Eugene C. Bonniwell as follows:

#### EXCEPTION AND ANSWER OF REPRESENTATIVE BUTLER.

TO EUGENE C. BONNIWELL:

You will please take notice that I hereby except to your notice "of objection to my right to represent the seventh congressional district of Pennsylvania in the Sixty-third Congress," having been elected thereto at an election held on the 5th day of November, 1912, a copy of which notice was delivered at my residence in the borough of West Chester on the 16th day of December, 1912. I except to your notice of objection for the reason that said notice is so vague, indefinite, and general in its terms and allegations that I can not tell what I am called upon to answer, and for the further reason that the said notice does not meet the requirements of the statutes and laws of the United States relating to objections to qualifications for the office of Representative in Congress. At the proper time I shall urge a committee of the House of Representatives, or the House of Representatives itself, to dismiss your notice for the reason stated above. I shall particularly insist before said committee or the House of Representatives itself that your notice on its face admits that I was regularly elected a Member of Congress to represent the seventh congressional district of Pennsylvania in the Sixty-third Congress, and that the result of said election would not be changed if all you allege in your notice were true.

Not waiving my right to except to your objection because of its informality and because of its time of service, as well as its manner of service, nor for the reasons stated above, nor for any other legal reason or reasons, I hereby make such answer as the general vague allegations of your notice of objection enable me to make.

You concede my election and you do not contest my right to a seat in the Sixty-third Congress on the ground that I was not legally elected thereto, but you object to my membership in such Congress because of disqualifications alleged by you. I

quote from your notice of objection addressed to the Speaker and Members of the House of Representatives:

"GENTLEMEN: I herewith file notice of objection to the right of Thomas S. Butler to represent the seventh congressional district of Pennsylvania in the Sixty-third Congress. (Objection, p. 1.)

"That these acts of themselves disqualify him from membership in the House of Representatives of the United States. (Objection, p. 2.) This pollution of justice merits the expulsion of this Representative from the halls of Congress. (Objection, p. 5.) I file no complaint because of adverse election returns. (Objection, p. 5.) For myself I make no appeal to your honorable body that I may be seated. \* \* \* This I do maintain: That this man receiving his election under these circumstances, adding the felonies of forged papers, perjured acknowledgments, and violated grand jury, to the more wicked crime of religious slander, ought not to be tolerated in the House of Representatives." (Objection, p. 5.)

First. It is true, as alleged in your notice, that the seventh congressional district of Pennsylvania is composed of Chester and Delaware Counties. I live at West Chester, in Chester County. I deny that "to procure a majority upon the face of the election returns at the election held November 5, 1912, certain agents of the Republican organization of the seventh congressional district, in my service and on my behalf, did by fraud and perjury, falsely preempt upon the official ballot of the State of Pennsylvania, two titles, one being 'Bull Moose' and the other 'Roosevelt Progressive.'" I had nothing whatever to do with the preemption of these titles on the official ballot of Pennsylvania. I was not consulted by the preemptors and did not know at the time the names of the preemptors residing in Delaware County. I did not know, at the time the nomination papers were circulated for signatures, who circulated them, who signed them, or who procured others to sign them. I had nothing whatever to do with procuring signatures to these nomination papers. I asked no one to sign them. I was told by some of the advocates of the election of Theodore Roosevelt, residing in Chester County, that they were in favor of the local tickets named in this congressional district and that they proposed to preempt the title of "Bull Moose" and form a ticket, with the names of Roosevelt electors and the candidates for State offices, named at the Republican State convention at the head, to be followed with the names of all the local candidates selected by the Republican voters at the uniform primaries held April 13, 1912. I was asked whether or not I would permit my name to remain on such ticket; I answered that I would provided all of the Republicans named in our congressional district at the same primaries were given a similar privilege. I have no knowledge of either the preemption or formation of the "Bull Moose" ticket in the seventh congressional district beyond that stated herein. There was no "Roosevelt Progressive" ticket in Chester County. I know nothing whatever of the preemption of the title "Roosevelt Progressive" in Delaware County and of the formation of its ticket there beyond that stated in this answer. I aver that certain of the Roosevelt leaders in the State of Pennsylvania were in sympathy with the State and local nominations of the Republican Party where such nominations were effected without any suspicion or taint of fraud, as was the case in the seventh congressional district; that in pursuance of authority conferred by the statutes of the State of Pennsylvania, these Roosevelt leaders preempted these two titles, "Bull Moose" and "Roosevelt Progressive," for Roosevelt presidential electors and the Republican State ticket. They afterwards obtained signatures at large throughout the State of Pennsylvania to nomination papers for Roosevelt electors and the candidates named at the Republican State convention. Their purpose was to enable the voter to cast a ballot with a single mark for the Roosevelt electors, the Republican State candidates for Congressman at large, for auditor general, and for State treasurer, and for the local Republican candidates selected at the aforesaid uniform primaries.

I deny that the titles "Bull Moose" and "Roosevelt Progressive" were intended and designed to deceive and mislead the voter whose intention was to vote the ticket upon which Theodore Roosevelt was a candidate, to wit, the Washington Party of Pennsylvania. I aver that the use of these titles did not in fact deceive and mislead any voters. This allegation of intent and design to deceive and mislead the voter was raised on objections filed against the "Bull Moose" and "Roosevelt Progressive" tickets by Frederick A. Howard, the Washington Party candidate for Congress in the seventh congressional district, in the Court of Common Pleas of Dauphin County, Pa., and dismissed after full hearing thereon, in the following decree:

"And now, October 9, 1912, after hearing, the within objections are overruled and dismissed and the prothonotary is directed to certify this action to the secretary of the Commonwealth. An exception to this order is sealed for the objector.

"By the court:

"SAM'L J. M. MCCARRELL, J."

It was not alleged in the objections filed in Dauphin County that I acted with the preemptors of the Bull Moose and Roosevelt Progressive Parties for any fraudulent or improper purpose. Copies of these objections are attached to this answer, marked "Exhibit A."

It was at this hearing in Dauphin County, on October 9, 1912, that I first learned that the genuineness of some of the names of the signers (living in Delaware County) to the nomination papers of the Bull Moose and Roosevelt Progressive Parties was challenged. I did not have the opportunity to examine these nomination papers exhibited in said court. I deny that I had any knowledge prior to this hearing in the Dauphin County court "that hundreds of names were forged in order to place my name for Congress and Wm. C. Sproul for State senator and the Republican candidates for the State legislature upon these tickets"; I further deny that I had any knowledge prior to the hearing aforesaid "that names were forged alphabetically without even the feeble pretense of disguising the handwriting," and that they "forged signers to the affidavits required at the ends of these nomination papers and that they impersonated the affiants before the justice of the peace," nor have I any such knowledge now further than that obtained by common report. I do know that the statute of Pennsylvania requires objections to nomination papers to be filed in the Dauphin County court, sitting at Harrisburg.

I believe that J. Watts Mercur, the candidate for State senator on the Washington Party ticket, prepared the objections to said nomination papers, and the single ground of objection alleged was the intent and design to mislead and deceive, and that no forgeries of signatures were alleged. The alleged forgeries, if any were committed, must have been known to the said J. Watts Mercur, because he had in attendance at said hearing four or five of the alleged signers from Delaware County as witnesses to prove that they had not signed their names to the nomination papers, and counsel for objector insisted that they should be heard. Counsel for the nominees objected upon the ground that the notice served exhibited no notice of such ground of contest. The court sustained the objection; counsel for objector then requested the court to permit objections to be filed nunc pro tunc; the court doubted its authority to extend the time limited by the act of assembly, and counsel for objector, Mr. Robinson, concurred with that view of the court. I deny that the one objection filed was dismissed upon a technicality and aver that it was dismissed after a hearing in which it was fully considered. During the hearing in court, Mr. Gilbert, of counsel for the nominee, stated that I was ready and wished to state under oath my knowledge concerning the preparation of these nomination papers. The court stated that it could not hear testimony that did not relate to any objection presented to it, and permission to testify was not given me. Immediately upon the disposition of the question raised and considered by the court, I made inquiry of several citizens of Delaware County about the charges made that some of the signatures attached to the nomination papers prepared in Delaware County were not genuine. I was assured by them that they believed that all the persons whose names were attached to these nomination papers had either signed them or had authorized them to be signed. During the hearing in Dauphin County one of the sitting judges asked of counsel, in my presence, whether a sufficient number of unchallenged and unimpeachable names appeared upon these petitions to satisfy the requirements of the statute and to which no exception could be taken. The answer of counsel was that it required under the statute but 327 names to make the nomination for Congress and that there were 30 more than that number of unquestioned signatures. Immediately following this disposition of the objections by the Dauphin County court, photographs were made of these alleged forgeries and exhibited at public meetings held in this congressional district prior to the election, and the questions of dishonesty practiced in procuring some of these signatures to these nomination papers became one of the issues of the campaign.

I admit that a few days prior to the election I learned through the public press and from the comments thereon that certain men in Delaware County had been arrested, charged with having forged some signatures of Delaware County residents to certain nomination papers. I knew personally but two of these men charged with these offenses. I do not know to what organization you refer when you state that these men were "active in the councils of the organization supporting Thomas S. Butler." I deny that I willingly shut my eyes to the "nauseous scandal." I immediately inquired of those I thought well informed and learned that the men who were charged with these crimes denied their guilt and insisted that they would be able to prove their innocence in courts of justice. In one prosecution the preliminary hearing was waived, in three other prosecutions evidence was taken before the committing magistrate, two of the men charged were discharged and the third was held for court. I was credibly informed that all the accused men insisted upon their innocence and declared their ability to establish it when the chance should be given them in

court. I did not believe them guilty, and they have not at the time of the filing of this answer been pronounced guilty by a court of justice. With more than enough unchallenged names on the petitions, with the knowledge that many more signatures could have been had for the mere asking, it seemed to me unbelievable that the fraud alleged could have been practiced. It was said by those accused and by others that these prosecutions were brought by the political enemies of the accused for political effect upon the campaign, in the hope that the voters of the district might thereby be induced to cast their votes against Republican candidates whose names were found upon the Bull Moose and Roosevelt Progressive tickets, and in favor of the Washington ticket, upon which J. Watts Mercur, the prosecutor, was a candidate for the State senate in Delaware County.

I have no knowledge of funds supplied to any persons or committees, except as hereinafter fully set out in answer to the second paragraph of your objection.

I have no knowledge that the seventh congressional district was circularized by letter falsely asserting that the Bull Moose ticket was the only genuine Roosevelt ticket in the district. I never saw or heard of such a circular. I deny that 4,332 voters were deceived and misled into voting for me for Congress. I aver that had all these 4,332 votes (cast for me on the "Bull Moose" and "Roosevelt Progressive" tickets) been cast for the Washington Party ticket, which you allege in your objection was the real intention of the voters, such a vote would not have elected the Washington Party candidate, and would not have increased or affected your vote and would not have prevented my election. There were at least 30 Republican meetings held in this congressional district. There were many held by the Washington Party and there were many held by the Democratic Party. At these meetings issues were discussed, all the tickets in the field were talked about. The formation of the Bull Moose ticket and the Roosevelt Progressive ticket was condemned by speakers at public meetings held by the Washington Party and discussed in the public press by the members of the same party. The attention of the voters was called to the appearance of these tickets and advertisements were inserted in the newspapers by the Washington Party managers, warning the people against voting the Bull Moose or the Roosevelt Progressive tickets, upon the ground that they were not real Roosevelt tickets; which ticket was the genuine Roosevelt ticket was disputed among the Roosevelt people in this district. I attach copies of their advertisements appearing daily during the campaign in the Daily Local News, of West Chester, showing the contentions on this account which existed during the campaign, marked "Exhibit B."

While I had nothing to do with the origin or formation of the Bull Moose and Roosevelt Progressive tickets, I aver that, so far as I have any knowledge, they were made for the legitimate object of permitting Republicans who desired to vote for Theodore Roosevelt and the Republican State and local tickets an opportunity to do so by making one mark.

I deny that "the perjury and corruption averred on your objection were the result of a deliberate conspiracy on behalf of the organization leaders, whose candidate I was." I know nothing of any such conspiracy. I deny "that I had any knowledge of its details long before election." I deny that "by remaining a candidate upon these tickets I thereby approved of the forgery and perjury," if any there were.

I have learned through the public press that there was a crime committed in Delaware County, by some person or persons, in the corruption of its jury lists. For the commission of this crime I am in no way responsible and in it I am no way involved. Who committed this crime courts and investigators have failed as yet to expose. I have no knowledge of either the offense or the offenders, except that which has been published in the public press. This crime affected in no way the free will of the people expressed at the polls. It was committed subsequently to the election and in no way affects its legality. While I hereby denounce the perpetration of this offense, and its perpetrators as well, I care not to which party they belong or with whom they may have been formerly affiliated, I insist, with all the positiveness at my command, that I did not know that such an offense was to be committed and that I do not know who committed it, but I do know that whoever did commit it was not acting as an agent or ally of mine, nor had I any association with them for such purpose. I admit that you have made public declarations of your purpose to make an objection or contest to my seat in Congress, but I deny that this crime was committed to destroy one of your grounds for contest; the ignoring of these bills of indictment in Delaware County would present no obstacle to a consideration by Congress of the forgeries and perjuries alleged by you to have been made upon these nomination papers.

You state that "this pollution of justice merits the expulsion of this Representative from the Halls of Congress." I agree with you that anyone who aided, abetted, encouraged, or knowingly permitted such a crime, or failed to make public any



knowledge that such a crime was to be committed, or having knowledge of those who committed it, now conceals it, is not only unfitted to sit in Congress, but is unfitted to be a citizen of any law-abiding community; but, as hereinbefore stated, I positively deny any connection with, knowledge of, or responsibility for the crime.

Second. I deny "that the expense accounts filed in this district, so far as they relate to me, are fraudulent and false and that money, thousands of dollars unaccounted for by any candidate or committee, was expended by me or on my behalf." The election expenses incurred by me, or by those who acted for me with my knowledge, are contained in the statements filed by me and are absolutely correct and accurate. I contributed \$500 to each of the two regularly organized Republican executive committees of Chester and Delaware Counties, which money was spent by the two committees in the conduct of the campaign for the whole Republican ticket on which I was a candidate. Aside from these two contributions, all the election expenses incurred to secure my election to the Sixty-third Congress, of which I have any knowledge, excepting that which was expended by the Thomas S. Butler League, referred to in your objection, are stated in my account on file with the Clerk of the House of Representatives at Washington, and with the clerks of the courts of Chester and Delaware Counties, Pa. This account shows that I spent \$1,401.10, including the contribution of \$500 to each of the two Republican executive committees, as above stated. The account of the Thomas S. Butler League, filed with the clerk of the court of Chester County, as provided by law, shows that there was spent by it on my behalf and in order to secure my election, the sum of \$408. Excepting the expenditures above stated, I did not pay, give, or lend, or agree to pay, give, or lend, either directly or indirectly, any money or valuable thing for election expenses whatever. I authorized no one to expend any money for election purposes for me or on my behalf, and no one with my knowledge or with my consent incurred any expense whatever for that purpose, beyond the amounts above stated. An examination of these accounts will show for what purpose these expenditures were made. They are all lawful, reasonable in size, and entirely within the statutes.

Third. I admit that a number of citizens of Chester County formed an association styled the Thomas S. Butler League. It was composed not of professional politicians but of citizens of Chester County who desired my return to Congress. I had nothing whatever to do with the formation of this league or the conduct of its campaign. I contributed nothing toward its expenses, either directly or indirectly. You do not particularize in your objection the false and libelous articles which were composed and published by said league. I know of none, and I aver that the conduct of the Thomas S. Butler League was fair, and that all their efforts to secure my election were honorable.

Fourth. I admit that there is published at West Chester a paper known as the Village Record. I admit that T. L. Eyre owns it. Whether he is the Republican boss of Chester County, as you style him, is an open question. There are other men who claim the same distinction. He is my personal and political friend of many years, but I deny that he is my personal representative. I never had one. I admit that William C. Sproul is one of the three editors and proprietors of the newspaper published at Chester, Delaware County, known as The Morning Republican. I do not know whether he is the Republican boss of Delaware County, as alleged by you. Among Republicans whom I know he is not known as a boss. I never recognized either one of these men as my boss; indeed, they never assumed such ownership. I do know, however, that Senator Sproul is not and was not my personal representative in Delaware County, but I admit that he is my personal and political friend. You state in this paragraph of your objection that an editorial publication was made in these papers as follows:

"The Hon. Thomas S. Butler, the Republican nominee for Congress, was born and reared in the Society of Friends, and is proud of his Quaker ancestry. His opponent, Eugene C. Bonniwell, is a Roman Catholic" (p. 4).

While I never saw or heard of it until I read the paragraph of your objection, I admit the truthfulness of it with pleasure, so far as it relates to me. I did not in any manner inspire it. Since your notice served on me, Mr. Eyre informs me that he had not seen or heard of the article of which you complain, although it appeared in his own newspaper. I have no knowledge of "any man, set of men, political organization, or its representative, employing or procuring messengers to traverse this congressional district and to circulate on my account or on any account the publication which you characterize as a blasphemous and infamous libel, known as "Knights of Columbus oath." That this paper was circulated through this congressional district during this campaign I both admit and regret. I deny that I had anything whatever to do, directly or indirectly, with either its publication or its circulation. It came into this district through the mails, I am informed, and as fast as it appeared those who took



my advice destroyed it. I am advised by those who know, that the same article was circulated and distributed in other parts of Pennsylvania than this congressional district during the last campaign, and I am further informed that this same article has been circulated not only in Pennsylvania, but in other States, during political campaigns for many years. I had no knowledge whatever of it until it appeared here during the last campaign, and from a source I know nothing about. Two or three of my political advocates showed me copies of this paper, which they had received through the mails. I requested them to ascertain where other copies of it had been received and to have all of them destroyed. I apprehended with alarm the use of such a document in a political campaign, or at any other time. I did not believe in its truthfulness, and so stated my judgment concerning it on November 4, 1912 (as soon as complaint was made to me of its general circulation), through the columns of the West Chester Daily Local News, a paper with 17,000 circulation in this congressional district, a copy of which notice is herewith attached and marked "Exhibit C."

Inasmuch as I did not wish to give this document, which I judged to be spurious, any notoriety whatsoever, I refrained from its public condemnation until the time when a general complaint was made to me, and I thought it my duty to publicly condemn it. In an interview with you, reported in the Daily Local News of West Chester December 2, 1912, you exonerated me from the responsibility for the publication or circulation of this paper by stating that it was not my work. A copy of this interview I attach to this answer, marked "Exhibit D." I never had a copy of the paper known as the "Knights of Columbus oath" in my possession, and I never heard the whole of it read until you furnished me with a copy of it, on the 16th day of December, 1912, by attaching it to your notice of objection. In no way am I guilty, either directly or indirectly, of having inspired or encouraged the circulation of this paper, and I am in no way, directly or indirectly, responsible for its appearance during this campaign or at any other time. I do not know who published it and sent it into this district, and I do not know who circulated it, except by common report. I deny that "the circulation of this oath and the publication of the two editorials were part of a conspiracy for the purpose of arousing religious rancor and of defeating the Democratic nominee." I have no knowledge of any conspiracy on the part of any persons for the purpose of arousing, or of any attempt being made during the campaign to arouse, religious rancor. I have no knowledge of anyone having voted against you because of your religious views. They were spoken of in my presence but two or three times during the whole campaign, and upon each occasion I deplored a reference to such a subject. I know that the organization which supported me made no attempt to create a religious test and to "blaze bigotry" into the campaign, and moreover, I know that these organizations had members of the Roman Catholic Church connected with them. I know further that active members of this church were my friends in the campaign, not only voting for me, but actively assisting me. I believe the circulation of this paper known as the "Knights of Columbus oath," notwithstanding my sincere efforts to suppress it, and spurious as I believed it to be, was of disadvantage to me and lost rather than gained votes for me.

I deny that there was any organized attack or any movement made upon you or upon your religious creed, or upon the ancient and honorable church of which you are a member. I deny "that there is nobody but believes that you received a plurality of the legal votes cast at the last election for Congressman in this district." Indeed, I never heard the suggestion from anyone but yourself. At the last election there were cast for Congressman in this district 40,137 votes. Of these, you received on the Keystone ticket 1,049 votes and on the Democratic ticket 11,176 votes, making in all 12,225 votes. Of the whole vote cast at this election, I received on the Republican ticket 14,944 votes, on the Bull Moose ticket 3,081 votes, on the Roosevelt Progressive ticket 1,251 votes, making a total of 19,276 votes. My majority over you was 7,051. You make no criticism of the vote which I received on the Republican ticket, which exceeds that received by you on the Keystone and Democratic combined by 2,719 votes. You in no way challenge the correctness or the legality of the vote cast upon any ticket. You do not suggest that the will of the people was in any way overcome or interfered with or that any voter was deprived of his right secured him by law. You indicate no vote cast at this election that should be excluded for any reason whatever. You indicate none that should be counted that were not counted. You allege no fraud practiced at either the polls or elsewhere. You only ask Congress to unseat me because of misconduct (alleged by you) of persons and organizations, not named, whom you state voted for and supported me at the last election in the seventh congressional district, this misconduct in no way affecting the legality of the election or the size of my majority over you. You have in no way shown my connection with, nor my responsibility for, "the felonies of forged papers, perjured acknowledgments, violated grand jury, and the crime of religious slander." Your allegations of these offenses, committed by persons and organizations unnamed by you, you do not even sustain by oath or affirmation.

You are hereby notified that I will file a copy of these exceptions, answer, and counter notice with the Clerk of the House of Representatives within the time and in the manner required by law, so that the House of Representatives may make such disposition of your notice of objection and these exceptions, answer, and counter notice as it may see fit.

THOMAS S. BUTLER.

STATE OF PENNSYLVANIA, *County of Chester, ss:*

Before me, the undersigned, personally appeared Thomas S. Butler, whose name is signed to the above exceptions, answer, and counter notice, and being by me first duly affirmed, declares and says that he verily believes that the matters and things therein set forth are true.

THOMAS S. BUTLER.

Affirmed and subscribed before me this 2d day of January, 1913.

[SEAL.]

MARY B. DARLINGTON,  
*Notary Public.*

My commission expires February 21, 1915.

#### EXHIBIT A.

In the court of common pleas of Dauphin County, Pa. No. 158, January term, 1913.

In re nomination of Thomas S. Butler for Congress for the seventh congressional district of Pennsylvania, under the name of "Roosevelt-Progressive."

*To the honorable the judges of said court:*

Frederick A. Howard, a resident of Chester, Pa., and a qualified elector of the aforesaid congressional district, objects to the nomination papers filed for Thomas S. Butler for the office of Congress for the seventh congressional district of Pennsylvania under the party name of "Roosevelt-Progressive" for the following reasons, viz:

Neither the electors signing the same, or the candidate named therein, are followers of Theodore Roosevelt or Progressives, as the name implies, but on the contrary are exerting all their power to defeat Theodore Roosevelt for the office of President of the United States, and therefore as such are not entitled to file any such nomination papers under such a party name.

That the said Thomas S. Butler is the Republican nominee for the office of Congressman in the aforesaid district.

That the said nomination papers were fraudulently filed, with the intent of deceiving the electors, by inducing them to believe from reason of said Butler's name appearing under said party name, as above, that he is a follower and supporter of Theodore Roosevelt, thus hoping to secure the votes of electors who are favorable to Roosevelt and who believe in his principles, for the said Butler, while if they knew his true position they would vote against said Butler.

FREDERICK A. HOWARD.

Frederick A. Howard, the above objector, being duly sworn according to law, deposes and says that the facts set forth in the foregoing objections are true to the best of his knowledge and belief.

FREDERICK A. HOWARD.

Sworn and subscribed before me this 3d day of October, 1912.

[SEAL.]

WM. H. TRICKER, *Notary Public.*

Commission expires January 19, 1915.

STATE OF PENNSYLVANIA, *County of Delaware, ss:*

Thaddeus Shinkel, constable in the city of Chester, in said county and State, being duly affirmed according to law, deposes and says that he served a carbon copy, of which within paper is the original, upon the within-named Thomas S. Butler personally, in his office, West Chester, Chester County, Pa., at 10 a. m., this 4th day of October, 1912.

THADDEUS SHINKEL.

Affirmed and subscribed before me this 4th day of October, 1912.

[SEAL.]

CHARLES PALMER, *Notary Public.*

Commission expires January 23, 1915.

And now, October 5, 1912, time for hearing fixed October 9, 10 a. m.

By the court:

GEORGE KUNKEL, *P. J.*

And now, October 9, 1912, after hearing, the within objections are overruled and dismissed, and the prothonotary is directed to certify this action to the secretary of the Commonwealth. An exception to this order is sealed for the objector.

By the court:

SAM'L J. M. MCCARRELL, J.

In the Court of Common Pleas of Dauphin County, Pa. No. 159, January term, 1913.

In re nomination of Thomas S. Butler for Congress for the seventh congressional district of Pennsylvania, under the name of "Bull Moose."

*To the honorable the judges of the said court:*

Frederick A. Howard, a resident of Chester, Pa., and a qualified elector of the aforesaid congressional district, objects to the nomination papers filed for Thomas S. Butler for the office of Congress for the seventh congressional district of Pennsylvania, under the party name of "Bull Moose" for the following reasons: The name of "Bull Moose" is commonly applied to the party now supporting Col. Theodore Roosevelt for the office of President of the United States, and his supporters and followers are commonly called "Bull Moosers."

Neither the electors signing the aforesaid papers nor the candidate named therein are followers or supporters of Theodore Roosevelt, but, on the contrary, are exerting all their powers to defeat Theodore Roosevelt for the office of President of the United States, and therefore are not such electors as are entitled to file any such nomination papers under such a party name.

That the said Thomas S. Butler is the Republican nominee for the office of Congressman in the aforesaid district.

That the said nomination papers were fraudulently filed, with the intent of deceiving the electors, by inducing them to believe from reason of said Butler's name appearing under said party name, as above, that he is a follower and supporter of Theodore Roosevelt, thus hoping to secure the votes of electors who are favorable to Roosevelt and who believe in his principles for the said Butler; while if they knew his true position they would vote against said Butler.

FREDERICK A. HOWARD.

Frederick A. Howard, the above objector, being duly sworn according to law, deposes and says that the facts set forth in the foregoing objections are true to the best of his knowledge and belief.

FREDERICK A. HOWARD.

Sworn and subscribed before me this 3d day of October, 1912.

[SEAL.]

WM. H. TRICKER,  
Notary Public.

Commission expires January 19, 1915.

STATE OF PENNSYLVANIA, *County of Delaware, ss:*

Thaddeus Shinkel, constable in the city of Chester, in said county and State, being duly affirmed by law, deposes and says that he served a carbon copy of which the within paper was the original upon the within-named Thomas S. Butler personally in his office, West Chester, Chester County, Pa., at 10 a. m. this 4th day of October, 1912.

THADDEUS SHINKEL.

Affirmed and subscribed before me this 4th day of October, 1912.

[SEAL.]

CHARLES PALMER,  
Notary Public.

Commission expires January 23, 1915.

And now, October 5, 1912, time for hearing fixed October 9, 10 a. m.

By the court:

GEORGE KUNKEL, P. J.

And now, October 9, 1912, after hearing, the within objections are overruled and dismissed, and the prothonotary is directed to certify this action to the secretary of the Commonwealth. An exception to this order is sealed for the objector.

By the court:

SAM'L J. M. MCCARRELL, J.

## EXHIBIT B.

[Political.]

By making an X in the circle of the Bull Moose ticket you will vote for Theodore Roosevelt and Hiram W. Johnson, the two greatest American citizens living, and at the same time you will be casting a vote for the State ticket and Congress, Hon. Thos. S. Butler; State senate, Thos. R. McDowell; legislature, Jacob V. Pennegar, Theo. Pennock, Samuel A. Whittaker. Remember, this is the popular ticket and one which appeals to every honest Republican. Roosevelt and Johnson. The only genuine Progressive Roosevelt and Johnson ticket is the Washington ticket. Vote it straight by [X] in square opposite the word "Washington" at foot of ballot.

JOHN J. GHEEN,  
*Washington Party Chairman.*

## EXHIBIT C.

[Political.]

*To the voters of Chester County:*

I understand there is an anonymous circular being distributed to-day calculated to injure my opponent on the Democratic ticket.

I want to emphatically disavow my knowledge or sanction of this plan of campaign; and I want to further emphatically state that this circulation is without the knowledge and consent of the Republican county committees of Chester and Delaware Counties.

THOMAS S. BUTLER.

## EXHIBIT D.

MR. BONNIWELL TO FILE PROTEST TO CONGRESSMAN BUTLER TAKING HIS SEAT IN NEXT CONGRESS—HE WILL FILE HIS PAPERS WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES NOT LATER THAN DECEMBER 16.

On December 16 Eugene C. Bonniwell of Wayne, the defeated candidate for Congress in the recent election, will file with the Clerk of the House, at Washington, D. C., his formal charges of alleged irregularity used by the Butler forces in securing the election of Mr. Butler.

On this date the 30 days allowed by the law for the filing of charges of this nature expires, and as soon as the Clerk of the House receives the papers from Mr. Bonniwell he will at once send a copy to Congressman Butler, who has 30 days for filing his reply. Then the matter is referred to the Election Committee on Contests, and a day for the hearing of evidence is set, so the matter will not come up for real action until the last of March.

To-day Mr. Bonniwell is in Washington to take up before the Committee on Contested Elections the case of *Hawks v. McCreary*, he representing Mr. Hawks. Last evening before he left his home at Wayne he made the following statement to a reporter of the News:

"No; I will not file my charges to-morrow," said Mr. Bonniwell, after query had been made on this point. "You see," he continued, "I have 30 days after the official count is made, and that time does not expire until December 16, but I will most certainly have it in the hands of the Clerk of the House by that time. The purport of my charges will be the illegal use of money, especially in Delaware County, by the Butler forces, also the methods used to preempt the Bull Moose Party, and then I will send a copy of the circular that was put out which was said to be the oath of the Knights of Columbus, and of which order I am a member. That was done for no other purpose than to injure me. While this can not be said to be the work of Mr. Butler, he was a beneficiary of the fraud practiced, which is, in the eyes of the law, the same thing as being one of the parties. I have collected a great deal of evidence, and it will all be brought before the committee at the hearing which will be held in Washington. I will practically represent myself in the matter, although one of the addresses will be made by City Solicitor Michael Ryan, but I will conduct the case, as I have had experience in similar cases, I being the representative of Mr. Hawks, of Philadelphia, in his contest over the election two years ago of Mr. McCreary, of Philadelphia. I will make my appeal to-morrow in Washington, so you see I will have the experience of this case to become acquainted with the methods necessary.

I feel that when the disclosures I have in my possession are made before the committee that they will see the irregular methods used to defeat me and that some action will be taken. I can not say more at this time other than the matter ought all to be thrashed out by April 1 of the coming year."

From different sources word has come that Mr. Bonniwell has been most active in collecting evidence for his proposed fight, and representatives of him have been both in Chester and Delaware Counties interviewing different leaders as well as voters to secure certain information. In the meantime Hon. Thomas S. Butler sits on the "lid" and says nothing, he refusing to discuss the prospects of his seat being contested, saying, "There is nothing in it in any shape or form and I have no fear." Mr. Butler left West Chester yesterday for Washington, where he will close up the matters that are to be done in this the last session of Congress under President Taft.

These two documents were referred to this committee on the 7th day of January, 1913, by the Speaker with this statement:

The SPEAKER. The Chair has in his possession two communications. One of them purports to be a notice of contest by Eugene C. Bonniwell against Mr. Butler, of the seventh Pennsylvania district. On examination of the document, however, it turns out not to be a notice of contest but to be something more in the nature of a memorial to this House, setting forth that the gentleman from Pennsylvania [Mr. Butler] ought to be expelled from the House. The Chair also has a copy of the reply of the gentleman from Pennsylvania [Mr. Butler], and without consuming any more time the Chair refers both papers to the Committee on Elections No. 1. (Congressional Record, p. 1688.)

On the 20th day of January, 1913, this committee addressed to Mr. Bonniwell and Representative Butler notices to appear before the committee on the 24th day of January, at 9 o'clock a. m. These notices were in the form of letters, as follows:

LETTER TO MR. BONNIWELL.

WASHINGTON, D. C., January 20, 1913.

Mr. EUGENE C. BONNIWELL,  
Wayne, Pa.

DEAR SIR: There has been referred to the Committee on Elections No. 1 of the House of Representatives of the Sixty-second Congress a proceeding filed by you against Hon. Thomas S. Butler, a Representative from Pennsylvania. Upon that proceeding the Speaker of the House ruled on January 17 as follows:

"The SPEAKER. The Chair has in his possession two communications. One of them purports to be a notice of contest by Eugene C. Bonniwell against Mr. Butler, of the seventh Pennsylvania district. On examination of the document, however, it turns out not to be a notice of contest, but to be something more in the nature of a memorial to this House, setting forth that the gentleman from Pennsylvania [Mr. Butler] ought to be expelled from the House. The Chair also has a copy of the reply of the gentleman from Pennsylvania [Mr. Butler], and without consuming any more time the Chair refers both papers to the Committee on Elections No. 1."

Your memorial is directed to the Hon. Champ Clark, Speaker of the House of Representatives, and is consequently directed to the present Congress. The paper alleges that you object to the Hon. Thomas S. Butler holding a seat in the Sixty-third Congress.

It also alleges conduct which you assert should cause Hon. Thomas S. Butler to be expelled from the House.

This committee, or the House of Representatives of the Sixty-second Congress, has no jurisdiction to determine any matters affecting the seat of any Member elect in the Sixty-third Congress, and in view of the equivocal character of your paper you are notified to appear before this committee at 9 o'clock a. m. on Friday, January 24, 1913, to show what cause, if any, you have for this committee to determine the right of Hon. Thomas S. Butler to continue to hold a seat in the Sixty-second Congress.

Yours, truly,

FRANK MILLER, Clerk.

## LETTER TO MR. BUTLER.

WASHINGTON, D. C., *January 20, 1913.*

HON. THOMAS S. BUTLER,  
*House of Representatives, Washington, D. C.*

MY DEAR CONGRESSMAN: I herewith inclose copy of a letter which the committee, at a meeting this morning, instructed me to forward to Mr. Eugene C. Bonniwell relative to his memorial to the House of Representatives concerning your right to a seat in the House.

The committee also instructed me to forward a copy of the letter to Mr. Bonniwell to you, with the instruction that you be notified to appear before the Committee on Elections No. 1 on Friday, January 24, 1913, at 9 o'clock a. m.

Yours, truly,

FRANK MILLER, *Clerk.*

Mr. Bonniwell did not appear before the committee on the day of the hearing, but sent to the chairman the following letter:

## LETTER FROM MR. BONNIWELL.

PHILADELPHIA, *January 21, 1913.*

HON. TIMOTHY ANSBERRY,  
*Chairman Committee on Elections No. 1,  
 House of Representatives, Washington, D. C.*

MY DEAR SIR: Your favor of the 20th instant at hand, and I fully concur in your judgment that this Congress has no jurisdiction. I wish to put formally of record, in reply to your notice addressed to me of the above date, and signed "Frank Miller, clerk," to appear before your committee at 9 a. m. Friday, January 24, 1913, that I do not consider that I have any status under this notice to present a case against Mr. Butler at this time. I might direct your attention to the fact that, technically—and this point has actually been made by counsel for the Hon. George D. McCreary in the pending contest of Frank H. Hawkins v. George D. McCreary—there are no rules and no body legally constituted to provide for an election contest of an incoming Congress until that Congress has actually met; or, in other words, that the regulations of the Sixty-first Congress concerning contests, notices thereof, etc., need not bind the Sixty-second Congress, nor those of the Sixty-second the Sixty-third.

The rules of the Committee on Elections of the House of Representatives contain no specified form for a notice of contest beyond that it shall be "in writing," and "in such notice shall specify particularly the grounds upon which he relies upon a contest." The rules do not even require that a copy of said notice shall be sent to the officers of the House. This notice of contest was served upon Thomas S. Butler "within 30 days after the result of such election had been determined by the board of canvassers." It could hardly be more explicit in its language:

"I hereby file notice of objection to the right of Thomas S. Butler to represent the seventh congressional district of Pennsylvania in the Sixty-third Congress, and assign the following reasons:

"First. Fraud and perjury.

"Second. Illegal expenses.

"Third. Libel.

"Fourth. Religious attack upon the Knights of Columbus in violation of the constitutional right of citizenship."

Each of the foregoing grounds, if proven, being conclusive reasons for refusing to permit the contestee to hold his seat.

Inasmuch as there can not be a Speaker of the House or Clerk of the House of the Sixty-third Congress until December, or, in the event of a special session, at the pleasure of the President, and as this Congress has provided certain rules for the regulations of contested-election cases, it was deemed by me advisable to also file copies of said objection with the present Speaker of the House, in order that the same might in form comply with the present regulations. I might add that the pleasant certainty that the present distinguished Speaker will in all likelihood preside over the next Congress persuaded me to address him by name in future, rather than in blank as the Speaker or Clerk.

We are about to begin to take testimony in support of the various allegations named in this notice of contest. This testimony, under the rules, can not be completed for 75 days, nor printed, I take it, for a period of a month following that.

Therefore, while thanking your committee for its unusual courtesy and the opportunity of developing before this Congress the vicious and infamous conduct of the

representatives of the Republican organization supporting Mr. Butler, I feel that in due justice to myself, as well as to the citizens of Delaware County whose ballot rights were violated and whose grand jury wheel was padded; that I should proceed in an orderly fashion in setting forth this evidence, so that Congress may act with due judgment and discretion.

I would therefore pray your honorable committee that your judgment indicated in your letter of the 20th, to wit, that this committee and this Congress are without jurisdiction in this matter, and that it is a subject matter for the incoming Congress, be made the text of your report, if any be needed.

I am, with much respect, yours, very sincerely,

EUGENE C. BONNIWELL.

Representative Butler appeared at the hearing, was examined by the committee, and made a full denial of all the charges contained in the memorial of the said Eugene C. Bonniwell so far as they in any manner affected him.

This committee, of course, has no jurisdiction to determine any matters affecting the right of any person to a seat in the House of Representatives in the Sixty-third Congress. It does not, therefore, attempt to pass upon any question involved in any valid contest which may have been instituted against the said Thomas S. Butler by the said Eugene C. Bonniwell or anyone else, alleging that he and not the said Thomas S. Butler is the duly elected Representative from the seventh congressional district of Pennsylvania in the Sixty-third Congress.

However, from a careful examination of the document filed by Mr. Bonniwell, it appears that the Speaker was entirely correct in declaring that it is a paper in the nature of a memorial to this House alleging certain acts and conduct by persons for which Representative Butler, it is asserted, should be expelled.

The paper, or memorial, is addressed to "Hon. Champ Clark, Speaker of the House of Representatives, and Members of the House of Representatives, Washington, D. C."

The only Congress in which Mr. Clark is or ever has been Speaker of the House of Representatives is the present, or Sixty-second Congress, and the only "Members of the House of Representatives" in being are the Members of this House.

It is true that the paper of Mr. Bonniwell begins with the statement:

I hereby file notice of objection to the right of Thomas S. Butler to represent the seventh congressional district of Pennsylvania in the Sixty-third Congress.

But, in the said paper Mr. Bonniwell distinctly states:

I file no complaint because of adverse election returns—

And—

For myself, I make no appeal to your honorable body that I may be seated.

The paper of Mr. Bonniwell being filed with this House, and the author disclaiming that it is filed as a notice of contest in which he intends to claim the seat of Representative Butler in the Sixty-third Congress, and it containing such allegations against Representative Thomas S. Butler, the sitting member from the seventh congressional district of Pennsylvania, as follows:

This pollution of justice merits the expulsion of this Representative from the Halls of Congress—



And—

This man receiving his election under these circumstances, adding the felonies of forged papers, perjured acknowledgments, and violated grand jury to the more wicked crime of religious slander, ought not to be tolerated in the House of Representatives—

the committee has felt it to be its duty to examine with some care the document to ascertain whether there are any charges made against Representative Butler which warrant reporting to this House a resolution recommending his expulsion.

The paper of Mr. Bonniwell is adroitly drawn, but when analyzed it is found to be one of innuendo and not of direct charge. It refers to perjury and forgery in connection with the nominations of Representative Thomas S. Butler and candidates for local offices in Chester and Delaware Counties, Pa., and asserts that these crimes of perjury and forgery were committed through a conspiracy. But there is no charge that Representative Butler committed or furthered the perjury or forgery or took part in the alleged criminal conspiracy.

The paper of Mr. Bonniwell further refers to an alleged pollution of the grand jury of Delaware County, Pa., after the election of 1912, and at a time when certain election officials were about to be indicted for alleged offenses at that election, but there is no actual charge that Representative Butler participated in, furthered, or was even cognizant of the alleged conspiracy to pollute the grand jury.

The paper of Mr. Bonniwell asserts that Representative Butler has filed a false and fraudulent expense account under the State law as a candidate for election as a Representative in the Sixty-third Congress. This, if true, charges a crime against Representative Butler, but we find that there is provided ample machinery under the laws of Pennsylvania to try that charge. It has been the uniform practice of this House not to investigate a charge of crime against a Member where it has been denied by him and where he can be legally prosecuted in the courts. If Representative Butler shall be prosecuted under the corrupt practices act of Pennsylvania and shall be found guilty, then an entirely different proposition may arise upon which to memorialize either this House or the House of the Sixty-third Congress.

The paper of Mr. Bonniwell alleges that a committee especially organized by the friends of Thomas S. Butler, styled the "Butler League," composed and caused to be published false and libelous articles concerning Mr. Bonniwell. It will be noted that it is not charged that said false and libelous articles were either prepared or published by Representative Butler or that he even had knowledge of their publication. It merely charges that these publications were made by the personal friends of Hon. Thomas S. Butler. This allegation, if true, might make "the personal friends" of Representative Butler guilty of a crime; but it certainly could not make Representative Butler himself guilty of a crime.

The paper of Mr. Bonniwell further alleges that "The West Chester Village Record is a local newspaper largely owned and controlled by T. L. Eyre, Republican boss of Chester County and personal representative of Thomas S. Butler," and that this newspaper published an editorial calling attention to the religion of the said Eugene C. Bonni-

well, and that this editorial was republished in the Chester Republican for the purpose of arousing religious rancor and defeating the Democratic nominee, Mr. Bonniwell.

This committee can not condemn too strongly the publication of the false and libelous article referred to in the paper of Mr. Bonniwell and which was the spurious Knights of Columbus oath, a copy of which is appended to the paper. It also condemns the publication of editorials to excite religious prejudice in a political campaign. No man should be prosecuted for his religion, whether he be Catholic or Protestant. However, it is not alleged in the paper that Representative Butler published or caused the publication of either the false oath or the prejudiced editorials.

This committee does not intend either to inculcate or to exculpate those who conducted the campaign and election in the counties of Chester and Delaware, in Pennsylvania, in 1912. The campaign and the election in general are not proper subjects for investigation by the House of Representatives of the United States. The jurisdiction of the House of Representatives in such matters is based solely upon Article 1, section 5, of the Constitution of the United States providing:

Each House shall be the judge of the elections, returns, and qualifications of its own Members, punish its Members for disorderly behavior and, with the concurrence of two-thirds, expel a Member.

Under that power the House considers contests against the seat of a Member holding a certificate of election and memorials against a sitting Member or a Member about to take his seat under his certificate of election charging him with offenses which if true justify his expulsion from the House. The committee has already stated that it has no jurisdiction over any contest filed by anyone claiming the seat from the seventh congressional district of Pennsylvania in the Sixty-third Congress. Upon a careful consideration of the paper in the nature of a memorial filed by Mr. Bonniwell, and other papers and evidence therewith, the committee report that there is nothing shown or alleged against Thomas S. Butler which disqualifies him from holding his seat in the Sixty-second Congress.

The committee therefore recommends the adoption of the following resolution:

*Resolved*, That the memorial of Eugene C. Bonniwell against Thomas S. Butler, dated December 14, 1912, and addressed to and filed with the Speaker of this House, be laid upon the table.